IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.3243 OF 2004
IN
APPEAL NO.701 OF 2004
IN
ARBITRATION PETITION NO.87 OF 2004

Mr.Nilratan Ghosh & Anr. Appellants

vs.

M/s.Tata Finance Ltd. Respondent

Mr.Shailesh Shah i/b. Mr.C.K.Brahmi for the appellants.

Mr.Milan Desai i/b. Mr.Y.R.Shah for the respondent.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 29th November 2004

P.C.

Heard Mr.Shailesh, the learned counsel for the appellants and Mr.Milan Desai, the learned counsel for the respondent.

2. No reply affidavit has been filed by the respondent in opposition to the affidavit in support of notice of motion. The statement made in the affidavit in support of the notice of motion thus remains untraversed and uncontroverted.

3. Having perused the affidavit in support of notice of motion, we are satisfied that the appellants were

prevented by sufficient cause in filing the appeal in time. Delay in filing the appeal is condoned.

4. Office is directed to process the appeal and post it for admission as and when numbered.

5. Notice of motion stands disposed of.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)